

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re VEECO INSTRUMENTS, INC. : Case No.: 7:05-md-01695 (CM)(GAY)  
SECURITIES LITIGATION :  
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THIS DOCUMENT RELATES TO :  
ALL ACTIONS :  
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**CORRECTED [PROPOSED] ORDER**

Upon consideration of Lead Plaintiff's Motion for Partial Reconsideration of the Court's March 9, 2007 Order, pursuant to Rule 6.3 of the Local Civil Rules of the Southern District of New York of the Court's March 9, 2007 Decision and Order, and this Court having considered any opposition thereto, IT IS HEREBY ORDERED that Plaintiff's Motion is GRANTED.

IT IS FURTHER ORDERED that:

1. Defendants shall produce to Plaintiffs within ten (10) days after the entry of this Order:

All reports, workpapers, memoranda, correspondence, and any other documents, electronic or otherwise, created or prepared by Veeco, Jefferson Wells International, Inc. internal auditors, concerning or relating to the restatement of Veeco's financial statements for the first, second, and third quarters and first nine months of 2004, referenced in, *inter alia*, Veeco's February 11, 2005 and March 16, 2005 press releases, and as requested in Plaintiffs' First Request for Production of Documents Directed to All Defendants, at Requests Nos. 7-10, including, without limitation, all such

documents in the possession of Ernst & Young, LLP and the report created by Jefferson Wells that was shown to Ernst & Young; and

2. Defendants shall immediately notify all non-parties, including, but not limited to, Ernst & Young, LLP, and Jefferson Wells International, Inc., who possess documents described in No. 1, above, that Defendants no longer assert any privilege as to these documents and Defendants shall instruct these non-parties to produce these documents to Plaintiffs.

**IT IS SO ORDERED:**

Date: \_\_\_\_\_, 2007

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Honorable Colleen McMahon  
United States District Court Judge